

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO VEGA, JR.,

Plaintiff,

v.

M. SOTO, et al.,

Defendants.

1:22-cv-000471-JLT-EPG (PC)

ORDER DIRECTING SERVICE OF
SUBPOENA BY THE UNITED STATES
MARSHALS SERVICE

(ECF No. 76)

ORDER DIRECTING CLERK OF COURT TO
(1) SIGN THE RETURNED SUBPOENA;
AND (2) ATTACH COPY OF SUBPOENA
DOCUMENTS TO THIS ORDER

Plaintiff Francisco Vega, Jr., is a state prisoner proceeding *pro se* in this civil rights action. This case proceeds on Plaintiff's First Amendment retaliation claims against Defendants Soto, Noujaime, and Borba. (ECF No. 15).

On January 25, 2024, the Court issued an order permitting Plaintiff to fill out and return for service by the United States Marshals Service a subpoena duces tecum form (AO 88B and also the form for Marshal service USM-285) to Valley State Prison (VSP) to learn the address for Billy Moore, a former VSP employee that Plaintiff seeks to depose. (ECF No. 76). The Court later issued follow-up orders after Plaintiff returned incorrectly filled out subpoena documents for Moore. (ECF Nos. 80, 86).

Plaintiff has now returned the subpoena duces tecum for contact information for Billy Moore using the correct subpoena form.¹ He has also returned the form for service by the United

¹ The Court makes no representations as the correctness of the information that Plaintiff filled out on the forms. It is Plaintiff's responsibility to provide accurate information on the forms.

States Marshals Service.

Accordingly, IT IS ORDERED as follows:

1. The Clerk of Court shall sign the returned subpoena form (AO 88B). Fed. R. Civ. P. 45(a)(3) (“The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it.”).
2. The Clerk of Court shall forward the following documents to the United States Marshals Service:
 - a. One (1) completed, signed, and issued subpoena duces tecum;
 - b. One (1) completed USM-285 form; and
 - c. Two (2) copies of this order, one to accompany the subpoena and one for the United States Marshals Service.
3. The Clerk of Court is directed to attach a copy of the completed subpoena duces tecum and the USM-285 form to this order when filing this order.
4. Within fourteen (14) days from the date of this order, the United States Marshals Service SHALL effect personal service of the subpoena, along with a copy of this order pursuant to Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).
5. The United States Marshals Service is DIRECTED to retain a copy of the subpoena in its file for future use.
6. Within ten (10) days after personal service is effected, the United States Marshals Service SHALL file the return of service.
7. Any response and/or responsive documents shall be produced to Plaintiff at his current address, which is listed on the subpoena.
8. Plaintiff is reminded that he is required to pay the costs for service incurred by the United States Marshals Service.

IT IS SO ORDERED.

Dated: March 21, 2024

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE